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| TO: | FROM: |
| Name: <u>Examiner W. Moore</u> | Name: <u>M. Paul Barker</u> |
| Firm: <u>U.S. PTO</u> | Phone No.: <u>202-408-4067</u> |
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| Phone No.: _____ | No. of Pages (incl. this page): <u>7</u> |
| Subject: <u>USSN 08/485,438</u> | Date: <u>June 5, 1996</u> |
| Our Ref: <u>04189.0084-03000</u> | |

Confirmation Copy To Follow: Yes ☐ No ☐

Message:

Enclosed:

1. Response to Communication Concerning Sequence Listing;
2. Copy of Communication and the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures; and
3. Copy of Sequence Listing.

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If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

PATENT

Attorney Docket No. 4189.0084-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EISENBERG et al.

Serial No.: 08/485,438

Filed: June 7, 1995

For: INHIBITION OF RETROVIRUS
INFECTION

Group Art Unit: 1814

Examiner: W. Moore

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Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

OFFICIALRESPONSE TO COMMUNICATION CONCERNING SEQUENCE LISTING

In a communication mailed March 29, 1996, the Examiner noted that this application contains sequence disclosures and required applicants to comply with the requirements of 37 C.F.R. § 1.821 through 1.825. Copies of the communication and the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures are enclosed.

The computer readable form in this application Serial No. 08/485,438 is identical with that filed in Serial No. 08/209,040, filed March 9, 1994 (the '040 application). In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed in the '040 application as the computer readable form in the instant application. It is understood that the U.S. Patent and Trademark Office will make the necessary change in application

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number and filing date for the computer readable form that will be used for the instant application.

A paper copy of the Sequence Listing is enclosed.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

M. Paul Barker
Reg. No. 32,013

Dated: June 5, 1996

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Washington, D.C. 20231

DEA/PCB 1994

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|---------------|------------|--|---------------------|
| SERIAL NUMBER | FILED DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 04189-0084-03 | 06/07/95 | FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. | 5 65850-1 03.2 |

18M2/0529

M. PAUL BARKER
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| | |
|----------|--------------|
| MOORE W | |
| EXAMINER | |
| ART UNIT | PAPER NUMBER |
| 1814 | 4 |

DATE MAILED: 05/29/96

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

This application contains sequence disclosures - specifically designated SEQ ID NO:1 and SEQ ID NO:2 at pages 5 and 6 of the specification and set forth in claims 2, 8 and 10 - that are encompassed by the definitions for nucleotide and amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reasons set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is (703) 308-0583. Any inquiry of a general nature or relating to the status of this application should be directed to the Chemical Matrix receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

William W. Moore
April 16, 1996

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JUN 3 1996

FINNEGAN, HENDERSON
FARABOW, GARRETT & DUNNER, L.L.P.

ROBERT A. WAX
SUPERVISORY PATENT EXAMINER
GROUP 180

Docketed 6/3/96
Case 04189-0084-03
Due Date 6-29-96 W/EXT.
Action RESPONSE NUCLEOTIDES
By A.T.

Application No. 08/485,438**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. Other: Designations & SEQ IDs Nos: 182 in the claims will be needed.

Applicant must provide:

- ☒ An initial ~~or substitute~~ computer readable form (CRF) copy of the "Sequence Listing"
- ☒ An initial ~~or substitute~~ paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
For CRF submission help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

Please return a copy of this notice with your response.